

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY CRUZ and CLAUDE PAIN, Individually and  
on behalf of all others similarly situated,

**NOTICE OF MOTION**

Plaintiffs,

Case No. 10-cv-08026 (PKC)

-against-

TD BANK, N.A.,

Defendant.

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**TO:** Alexander D. Bono, Esq.  
Duane Morris LLP.  
30 South 17<sup>th</sup> St.  
Philadelphia, Pennsylvania 19103-4196

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of G. Oliver Koppell, Declaration of Daniel F. Schreck and the Memorandum of Law, and all other pleadings and proceedings herein, Plaintiffs shall move before the Honorable P. Kevin Castel, United States District Judge, on a date and time to be determined by the Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Fed.R.Civ.P. 60(b)(1) or Fed.R.Civ.P. 60(b)(6) vacating the November 7, 2014 judgment of this Court and granting Plaintiffs' motion pursuant Fed.R.Civ.P. 15(a)(2) for leave to file a Second Amended Complaint, together with any other further relief this Court deems just and proper.

Dated: New York, New York  
November 19, 2014

Law Offices of G. Oliver Koppell &  
Associates  
By: \_\_\_\_\_ /s/  
G. Oliver Koppell (GOK-4851)  
Daniel F Schreck (DS-7680)

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